



## TOWN COUNCIL REGULAR MEETING

Wednesday, April 19, 2023 at 6:00 PM  
Fulton Council Chambers, 201 N. 7th Street

---

### MINUTES

---

#### CALL TO ORDER

##### PRESENT

Mayor Kelli Cole  
Mayor Pro Tem Robert Loflin  
Place 3 MaryAnn Pahmiyer  
Place 4 Carl Biesenbach

##### ABSENT

Place 2 Chris Garis

##### STAFF PRESENT

Stephanie Garcia, City Secretary  
Hal George, Town Attorney  
John Harrell, Chief of Police  
Matt Olenick, Director of Operations

Mayor Cole called the meeting to order at 6:00 p.m.

#### PLEDGE OF ALLEGIANCE – U.S. Flag and Texas Flag

Mayor Cole led everyone in the pledges.

#### OBSERVE A MOMENT OF SILENCE/PRAYER

Mayor Cole led everyone in a moment of silence.

#### CITIZENS TO BE HEARD (PUBLIC FORUM)

*Public participation is valued and at this time, comments limited to three (3) minutes will be taken from persons who have signed the Speaker's Card located on the table inside the Council Chambers and delivered to the City Secretary before the meeting begins. Written comments received by submission to the City Secretary in person or emailed to [citysec@fultontexas.org](mailto:citysec@fultontexas.org) by 3:00 p.m. on the day of the meeting, on any subject matter that is not on the agenda, will be read and summarized in the minutes of the meeting. Persons wishing to address the Council and who have registered using the Speaker's Card will have up to three (3) minutes to speak. In accordance with the Open Meetings Act, Council may not discuss or take action on any item that has not been posted on the agenda. While civil public criticism is not prohibited; disorderly conduct or disturbance of the peace as prohibited by law shall be cause for the chair to terminate the offender's time to speak.*

Kathy Kane: Ms. Kane expressed concerns with not having information on items before hand. She stated she had questions regarding the Fulton Beach Project listed on the agenda; however, she did speak to the Anchor representative and received many of her answers.

## **PROCLAMATION**

1. Proclamation for National Historic Preservation Month - May 2023

Mayor Cole read the Proclamation to the Council and audience. Mrs. Livingston with the Historic Society informed the Council that the School House Museum has been selected for one of the honors of historic preservation for this year.

## **CONSENT AGENDA**

*All consent agenda items listed are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.*

2. **Discuss/Approve/Disapprove** minutes of the Regular Meeting held on April 5, 2023.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 4 Biesenbach to approve the Consent Agenda item as presented.

Voting Yea: Mayor Pro Tem Loflin, Place 3 Pahmiyer, Place 4 Biesenbach

## **ITEMS FOR CONSIDERATION**

3. Receive a report from Shelly Stuart, President/CEO, of the quarterly expenditures and activity for the HOT funds for the Rockport-Fulton Chamber of Commerce.

Shelly Stuart and Shannon Biggerstaff introduced themselves. Mrs. Biggerstaff briefly highlighted some of the current attractions. Winter Texans Day was a big success, they are kicking off SeaFair and Hummingbird celebrations, the Chamber is looking for artists to design a 2023 Hummingbird t-shirt design, and Aransas Pathways have put together free tours. All of this information will be on the Chamber's website. Mrs. Stuart spoke regarding a new program with the Rockport-Fulton community and will be hosting a workshop for this in September. She also noted that there was a good presence at the Aransas County Days held in Austin, Texas.

4. Hear presentation from ANCHOR QEA, LLC regarding the 2023 GLO Texas Coastal Resiliency Master Plan for the Fulton Beach Road Protection Project.

Alex Freddo introduced himself and informed the Council that Charlie Belaire of Belaire Environmental merged with ANCHOR QEA, LLC and has been helping to prioritize this project. This is a new concept for Fulton Beach Road. Mr. Freddo introduced Erin Fulton who will be working with them to help keep a finger on the pulse of Fulton. Ms. Fulton also introduced herself. This project addresses the erosion of Fulton Beach Road and enhancements to the bays. He discussed working with the General Land Office and how they will help. ANCHOR QEA, LLC will be working to gain public support before pursuing state funding. The grant applications are due in June 2023. In looking at a long term plan, the

project is to benefit the community and to help stabilize Fulton Beach Road. There was discussion regarding previous discussions of raising Fulton Beach Road. In that discussion Mr. Freddo indicated road work would not be in the grant. This project is to preserve the road from natural erosion. They are not looking at adjusting the shoreline. The project would be on Aransas County Navigation Land. If the Town of Fulton gives its support, they would then pursue the support of other local entities. Tommy Moore with Aransas County Navigation District spoke briefly regarding a more beneficial use for dredging materials that this project would bring. Mr. Moore indicated that the Navigation District is preliminarily supporting the project. The project would also try to support the oyster habitat and fishing. Mr. Freddo informed the Council that they are asking for support of the concept of the project and this would not tie the Town to the definitive finished project. Mayor Cole asked about matching funds. Mr. Freddo indicated there maybe but it would depend on what the State accepts. Mr. Loflin asked the Town's attorney if the Town can support this because it is on Navigation land. Mr. George indicated that the Town can show support.

5. **Discuss, Approve, Disapprove** support of the Fulton Beach Road Protection Project as described in the 2023 General Land Office Coastal Resiliency Master Plan.

Motion made by Place 4 Biesenbach, Seconded by Mayor Pro Tem Loflin to support of the Fulton Beach Road Protection Project as described in the 2023 General Land Office Coastal Resiliency Master Plan.

Voting Yea: Mayor Pro Tem Loflin, Place 3 Pahmiyer, Place 4 Biesenbach

6. **Discuss, Approve, Disapprove** request by Tri Nguyen for a variance from a five (5) foot to a three (3) foot side-yard setback line to construct a house on his property located at 304 12th Street, Fulton, Texas in order to facilitate the preservation of multiple large old-growth oak trees.

Mayor read item and informed the Council that Mr. Nguyen owns all three lots that this variance would affect. Mr. Loflin indicated there would need to be more information on the buildings to be sure that there is at least 10 foot between buildings. It was agreed that this item would need to be postponed until more information is gathered.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 3 Pahmiyer to postpone this item.

Voting Yea: Mayor Pro Tem Loflin, Place 3 Pahmiyer, Place 4 Biesenbach

7. **Discuss, Approve, Disapprove** Ordinance No. 309 regarding services for alarms towards burglary, robbery, and fire alarms to protect the emergency services of the Town from misuses and defray the cost of administering this article through permit fee charges; to designate permits required, false alarms, permit revocation; providing for severability; providing a penalty; and providing an effective date.

Mayor Cole read item and asked Chief Harrell to discuss same. Chief Harrel indicated that the City of Rockport has a similar ordinance. The ordinance will help with alarm companies taking overseeing the properties and reduce frivolous calls.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 3 Pahmiyer to approve Ordinance No. 309 regarding services for alarms towards burglary, robbery, and fire alarms to protect the emergency services of the Town from misuses and defray the cost of administering this article through permit fee charges; to designate permits required, false alarms, permit revocation; providing for severability; providing a penalty; and providing an effective date.

Voting Yea: Mayor Pro Tem Loflin, Place 3 Pahmiyer, Place 4 Biesenbach

8. Discuss/Approve/Disapprove Resolution R-04-2023 authorizing the Town to join with the Cities Served by AEP (“Cities”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Mayor Cole read the item and indicated that the Town's attorney had reviewed same. Mr. George spoke regarding this annual resolution and gave a brief explanation.

Motion made by Mayor Pro Tem Loflin, Seconded by Place 4 Biesenbach to approve Resolution R-04-2023 authorizing the Town to join with the Cities Served by AEP (“Cities”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Voting Yea: Mayor Pro Tem Loflin, Place 3 Pahmiyer, Place 4 Biesenbach

## **CLOSED SESSION**

*The Town Council may elect to go into closed session pursuant to Chapter 551, Government Code on any Agenda item where appropriate and particularly Sections 551.071 (consultation with attorney) and 551.074 (personnel matters), Government Code.*

The Council did not convene into Closed Session.

## **OPEN SESSION**

*Discuss/Approve/Disapprove any and all action necessary with regard to the preceding matter(s).*

## **ANNOUNCEMENTS**

9. Mayor's Update.

Maintenance: Mayor Cole informed the Council and audience that there will be joint meetings with Neighborhood Watch for construction updates (7/11 and 9/12). She thanked Maryann Pahmiyer for facilitating the Neighborhood Watch meetings and including the Town's update on the streets and drainage project. The next Neighborhood Watch meeting will be May 9th at the Fulton Fire Department. Mayor Cole also mentioned the contractors will beginning milling roads in about two(2) weeks and will begin with Prairie.

Administration: The Town offices have been without phones or internet service due to the Spectrum outage. Ms. Garcia had the main line roll to her cell phone and the Fulton Convention Center line roll to the coordinator.

Police Dept.: Chief Harrell informed the Council that it had been a busy easter weekend, he had 15 arrest warrants last week, a burglary of several local hotels, several assaults, multiple follow ups on previous arrests and misdemeanors; and recovered a stop sign that was hit by one person and stolen by another person.

Fulton Convention Center: The old, rusted benches have been removed and replaced with new ones made of poly wood so that they will hold up better. The Rockport-Fulton Prom is being held at FCC this weekend.

Pier: Derrick Construction has postponed the maintenance on the pier due to weather and will restart work in the next week.

Mayor Cole also reminded everyone that early voting will begin on April 24, 2023.

10. The next Regular Fulton Town Council Meeting will be held Wednesday, May 3, 2023, beginning at 6:00 pm.

Mayor Cole announced the next meeting to be held Wednesday, May 3, 2023 beginning at 6:00 pm.

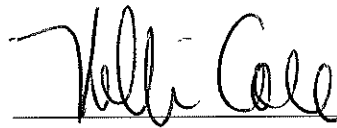
## ADJOURNMENT

There being no further business, Mayor Cole entertained a motion to adjourn.

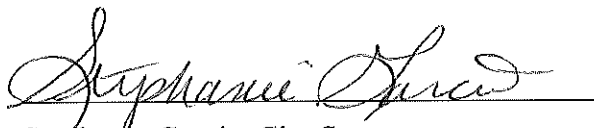
Motion made by Mayor Pro Tem Loflin, Seconded by Place 3 Pahmiyer to adjourn the meeting.

Voting Yea: Mayor Pro Tem Loflin, Place 3 Pahmiyer, Place 4 Biesenbach

The meeting adjourned at 6:49 p.m.



Kelli Cole, Mayor



Stephanie Garcia, City Secretary